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Attorney Docket No. Bayer 10,019.2 Rei

APPLICANT: Klaus-Helmut Müller et al.

TITLE: Herbicidal Sulphonylamino(Thio)Carbonyl Compounds

USSN: 10/603,997

FILED: 25 June 2003 (date granted 5 November 2003)

EXPRESS MAIL CERTIFICATE

"Express Mail" mailing label number EV383032761US

Date of Deposit April 5, 2004

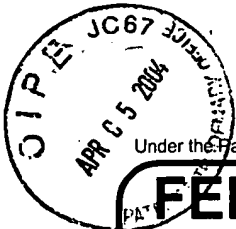
I hereby certify that the following items:

1. Petition under 37 CFR 1.17(h)-Notice to File Corrected Application Papers (3 pgs.)
2. Copy of Notice to File Corrected Application Papers
3. A courtesy copy of pgs. 407-408 and a cover pg. of US Patent 6,251,831
4. Copy of a return receipt postcard for 5 November filing
5. Fee Transmittal
6. Express Mail Certificate
7. Return Receipt Postcard

are being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

NORRIS, McLAUGHLIN & MARCUS, P.A.

By Agata Glinska
Agata Glinska



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004 <i>Effective 10/01/2003. Patent fees are subject to annual revision.</i>		Complete if Known	
		Application Number	10/603,997
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	June 25, 2003
		First Named Inventor	Klaus-Helmut Muller et al.
		Examiner Name	Patricia Morris
TOTAL AMOUNT OF PAYMENT (\$)		Art Unit	1625
		Attorney Docket No.	Bayer 10,019.2 Rei (100717-600)

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)			
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		3. ADDITIONAL FEES			
<input checked="" type="checkbox"/> Deposit Account:		Large Entity Small Entity			
Deposit Account Number		Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
Deposit Account Name		14-1263			
Norris, McLaughlin & Marcus		1051 130	2051 65	Surcharge - late filing fee or oath	
The Director is authorized to: (check all that apply)		1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments		1053 130	1053 130	Non - English specification	
<input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)		1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
		1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
		1251 110	2251 55	Extension for reply within first month	
		1252 420	2252 210	Extension for reply within second month	
		1253 950	2253 475	Extension for reply within third month	
		1254 1,480	2254 740	Extension for reply within fourth month	
		1255 2,010	2255 1,005	Extension for reply within fifth month	
		1401 330	2401 165	Notice of Appeal	
		1402 330	2402 165	Filing a brief in support of an appeal	
		1403 290	2403 145	Request for oral hearing	
		1451 1,510	1451 1,510	Petition to institute a public use proceeding	
		1452 110	2452 55	Petition to revive - unavoidable	
		1453 1,330	2453 665	Petition to revive - unintentional	
		1501 1,330	2501 665	Utility issue fee (or reissue)	
		1502 480	2502 240	Design issue fee	
		1503 640	2503 320	Plant issue fee	
		1460 130	1460 130	Petitions to the Commissioner	130.00
		1807 50	1807 50	Processing fee under 37 CFR § 1.17(q)	
		1806 180	1806 180	Submission of Information Disclosure Statement	
		8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
		1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))	
		1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))	
		1801 770	2801 385	Request for Continued Examination (RCE)	
		1802 900	1802 900	Request for expedited examination of a design application	
		Other fee (specify)			
		SUBTOTAL (3) (\$)			130.00

1. BASIC FILING FEE		2. EXTRA CLAIM FEES FOR UTILITY AND	
Large Entity	Small Entity	Extra Claims	Fee from below
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			
		Total Claims	-20** = 0 X = 0.00
		Independent Claims	- 3** = 0 X = 0.00
		Multiple Dependent	
Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)		0.00	

**or number previously paid, if greater; For Reissues, see above

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Howard C. Lee	Registration No. (Attorney/Agent)	48,104
Signature	Howard C. Lee	Telephone	212-808-0700
		Date	April 5, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Bayer 10,019.2-Reissue
100717-600
Le A 31 192 Lu/Ho US-Reissue

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Klaus-Helmut Müller et al.
SERIAL NO. : 10/603,997
FILED : 25 June 2003 (date granted 5 November 2003)
FOR : HERBICIDAL SULPHONYLAMINO(THIO)CARBONYL COMPOUNDS
ART UNIT : 1625
EXAMINER : Patricia Morris

5 April 2004

Mail Stop: Missing Parts

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR § 1.17(h) - NOTICE TO FILE CORRECTED APPLICATION PAPERS

SIR:

In response to the Notice to File Corrected Application Papers dated 9 February 2004, please accept this petition under 37 CFR § 1.17(h) which explains the applicants contention that the originally filed items were in fact deposited with the USPTO.

- (1) With regard to the Abstract of the disclosure, this was included in the cover page for U.S. Patent 6,251,831 which was sent 5 November 2003 (see copy of return receipt post card stamped 5 November 2003).

37 CFR 1.72(b) states:

A brief abstract of the technical disclosure in the specification must commence on a separate sheet, **preferably following the claims**, under the heading "Abstract" or "Abstract of the Disclosure." The abstract in an application filed under 35 U.S.C. 111 may not exceed 150 words in length. The purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure. The abstract will not be used for interpreting the scope of the claims.

04/08/2004 CCHAU1 00000039 141263 10603997

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(i.e. there is only a requirement that the Abstract commence on a separate sheet; there is no requirement that the Abstract be present after the claims.)

In addition, in the Notice of Incomplete Reissue Application Filed Under 37 CFR 1.53(b) dated 5 September 2003, there was no indication that the Abstract of the disclosure was missing.

A courtesy copy of the cover page of U.S. Patent 6,251,831 with the Abstract is included with this petition.

- (2) After reviewing the applicants' file, pages 407-408 were included in the applicants' filed papers of 5 November 2003.

A courtesy copy of pages 407-408 (actually col. 407-408) of U.S. Patent 6,251,831 is included with this petition.

NOTE: Given the length of the application, there appears to have been some difficulty in keeping the papers together in this file. The applicants would like to note for the record that the applicants did not earlier petition the non-receipt of the specification in the Notice dated 5 September 2003 as other items were missing from the reissue application. However, the complete patent (i.e. specification, claims and abstract) has been submitted twice in whole to date. If there are any additional problems, please contact the undersigned so that these issues may be promptly resolved so that prosecution of this application can begin.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Closing

Applicants also believe that this petition address the refusal of the inventor to sign the combined power of attorney/oath and declaration. However, should any issue(s) of a minor nature remain, the PTO is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Respectfully submitted,

Norris, McLaughlin & Marcus, P.A.

By: Howard C. Lee
Howard C. Lee
Reg. No. 48,104

220 East 42nd Street
30th Floor
New York, New York 10017
(212) 808-0700

Attachments: Courtesy copies of:
(1) Cover page of U.S. Patent 6,251,831
(2) Page (co.) 407-408 of U.S. Patent 6,251,831
Return receipt post card for 5 November 2003 filing

CERTIFICATE OF MAILING

I hereby certify that the foregoing Petition Under 37 CFR 1.17(h) is being deposited with the United States Postal Service as Express Mail, Label No. EV 383032761US in an envelope addressed to: Mail Stop Missing Parts, Hon. Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

Date: **5 April 2004**

By: Agata Glinska
Agata Glinska



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER

10/603,997

FILING OR 371 (c) DATE

11/05/2003

INVENTOR NAMED APPLICANT

Klaus-Helmut Muller

ATTORNEY DOCKET NUMBER

Bayer 10.019.2 REI

27384

KURT BRISCOE

NORRIS, MCLAUGHLIN & MARCUS, P.A.
 220 EAST 42ND STREET, 30TH FLOOR
 NEW YORK, NY 10017

CONFIRMATION NO. 9703

FORMALITIES LETTER



OC000000011860149

Date Mailed: 02/09/2004

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.

The following item(s) appear to have been **omitted** from the application:

- Page(s) **Pages 407-408** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the reissue application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

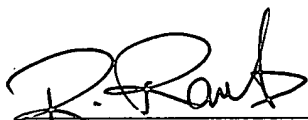
II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.



Customer Service Center

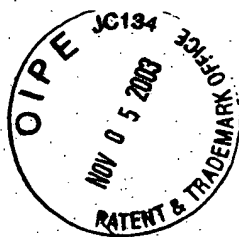
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Serial No.: Reissue of 6,251,831

Our Case: Bayer 10/0192 100717-600

Mailing date: 5 November 2003



Receipt of

Executed Combined Reissue Declaration/Power of Attorney;
Specification and Claims; Signed Consent Decree by Dr.
Bader; Notice of incomplete Reissue Application; Statement
under 37 CFR 3.73(b); Express mail Certificate; return receipt
postcard;

Express Mail Label EV 328768670 US
